

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Charles Aaron Cooper

Docket No. 5:17-CR-205-D

Petition for Action on Supervised Release

COMES NOW Tuell Waters, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Charles Aaron Cooper, who, upon a finding of guilt by jury to Assault on a Federal Officer, was sentenced in the District of Maryland by the Honorable Alexander Williams, Jr., on September 18, 2006, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Charles Aaron Cooper was released from custody on October 3, 2016, at which time the term of supervised release commenced. On April 24, 2017, a violation report was submitted to the District of Maryland after the defendant failed to notify the probation officer within 72 hours of being arrested or questioned by law enforcement, left the district without notifying the probation officer, failed to notify the probation officer ten days prior to moving, and tested positive for marijuana. Cooper was continued on supervision and transfer of jurisdiction from the District of Maryland to the Eastern District of North Carolina was initiated.

The defendant left the judicial district on June 5, 2017, without the permission of the probation officer. On June 21, 2017, Cooper submitted a urine specimen which was subsequently determined by the national laboratory to be positive for marijuana. In response to these violations, conditions of supervised release were modified, adding two days confinement. The Bureau of Prisons has scheduled the defendant to report for this sanction on September 30, 2017.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 28, 2017, the defendant submitted a urine specimen which was subsequently determined by the national laboratory to be positive for marijuana. When confronted with the drug test report, Cooper readily admitted his marijuana use and agreed to begin participating in substance abuse treatment, to which he was referred on April 27, 2017. It is respectfully recommended that the conditions of supervision be modified, ordering the defendant to serve a five-day jail sanction, participate in the DROPS Program, and submit to warrantless search. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the third use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

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3. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Tuell Waters
Tuell Waters
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2344
Executed On: September 13, 2017

ORDER OF THE COURT

Considered and ordered this 20 day of September, 2017, and ordered filed and made a part of the records in the above case.

J. C. Dever
James C. Dever III
Chief U.S. District Judge